

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-3803, 23.1-402, 37.2-712, and 66-25 of the Code of Virginia, relating
2 to the Government Data Collection and Dissemination Practices Act; collection or dissemination
3 of information concerning religious preferences and affiliations.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 2.2-3803, 23.1-402, 37.2-712, and 66-25 of the Code of Virginia are amended and**
6 **reenacted as follows:**

7 **§ 2.2-3803. Administration of systems including personal information; Internet privacy**
8 **policy; exceptions.**

9 A. Any agency maintaining an information system that includes personal information shall:

10 1. Collect, maintain, use, and disseminate only that personal information permitted or required by
11 law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of
12 the agency;

13 2. Collect information to the greatest extent feasible from the data subject directly, or through the
14 sharing of data with other agencies, in order to accomplish a proper purpose of the agency;

15 3. Establish categories for maintaining personal information to operate in conjunction with
16 confidentiality requirements and access controls;

17 4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as
18 necessary to ensure fairness in determinations relating to a data subject;

19 5. Make no dissemination to another system without (i) specifying requirements for security and
20 usage including limitations on access thereto, and (ii) receiving reasonable assurances that those
21 requirements and limitations will be observed. This subdivision shall not apply, however, to a
22 dissemination made by an agency to an agency in another state, district or territory of the United States
23 where the personal information is requested by the agency of such other state, district or territory in
24 connection with the application of the data subject therein for a service, privilege or right under the laws

25 thereof, nor shall this apply to information transmitted to family advocacy representatives of the United
26 States Armed Forces in accordance with subsection N of § 63.2-1503;

27 6. Maintain a list of all persons or organizations having regular access to personal information in
28 the information system;

29 7. Maintain for a period of three years or until such time as the personal information is purged,
30 whichever is shorter, a complete and accurate record, including identity and purpose, of every access to
31 any personal information in a system, including the identity of any persons or organizations not having
32 regular access authority but excluding access by the personnel of the agency wherein data is put to service
33 for the purpose for which it is obtained;

34 8. Take affirmative action to establish rules of conduct and inform each person involved in the
35 design, development, operation, or maintenance of the system, or the collection or use of any personal
36 information contained therein, about all the requirements of this chapter, the rules and procedures,
37 including penalties for noncompliance, of the agency designed to assure compliance with such
38 requirements;

39 9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to
40 its security; and

41 10. Collect no personal information concerning the political or religious beliefs, affiliations, and
42 activities of data subjects that is maintained, used, or disseminated in or by any information system
43 operated by any agency unless authorized explicitly by statute or ordinance. Nothing in this subdivision
44 shall be construed to allow an agency to collect or disseminate to federal government authorities
45 information concerning the religious beliefs and affiliations of data subjects for the purpose of compiling
46 a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless
47 such collection or dissemination is specifically required by state or federal law.

48 B. Every public body, as defined in § 2.2-3701, that has an Internet website associated with that
49 public body shall develop an Internet privacy policy and an Internet privacy policy statement that explains
50 the policy to the public. The policy shall be consistent with the requirements of this chapter. The statement
51 shall be made available on the public body's website in a conspicuous manner. The Secretary of

52 Technology or his designee shall provide guidelines for developing the policy and the statement, and each
53 public body shall tailor the policy and the statement to reflect the information practices of the individual
54 public body. At minimum, the policy and the statement shall address (i) what information, including
55 personally identifiable information, will be collected, if any; (ii) whether any information will be
56 automatically collected simply by accessing the website and, if so, what information; (iii) whether the
57 website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's
58 computer and, if so, for what purpose; and (iv) how the collected information is being used or will be
59 used.

60 C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may
61 disseminate information as to the retirement status or benefit eligibility of any employee covered by the
62 Virginia Retirement System, the Judicial Retirement System, the State Police Officers' Retirement
63 System, or the Virginia Law Officers' Retirement System, to the chief executive officer or personnel
64 officers of the state or local agency by which he is employed.

65 D. Notwithstanding the provisions of subsection A, the Department of Social Services may
66 disseminate client information to the Department of Taxation for the purposes of providing specified tax
67 information as set forth in clause (ii) of subsection C of § 58.1-3.

68 E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for
69 Virginia may disseminate student information to agencies acting on behalf or in place of the U.S.
70 government to gain access to data on wages earned outside the Commonwealth or through federal
71 employment, for the purposes of complying with § 23.1-204.1.

72 **§ 23.1-402. Collection and dissemination of information concerning religious preferences and**
73 **affiliations.**

74 A. Notwithstanding any provision of law to the contrary, any public institution of higher education
75 may collect and disseminate information concerning the religious preferences and affiliations of its
76 students, provided that no such institution shall (i) require any student to indicate his religious preference
77 or affiliation or (ii) disseminate such information without the student's consent.

78 [B. No consent given pursuant to this section shall be construed to allow any public institution of](#)
79 [higher education to collect or disseminate to federal government authorities information concerning the](#)
80 [religious preferences and affiliations of its students for the purpose of compiling a list, registry, or database](#)
81 [of individuals based on religious affiliation, national origin, or ethnicity, unless such collection or](#)
82 [dissemination is specifically required by state or federal law.](#)

83 **§ 37.2-712. Collection and dissemination of information concerning religious preferences and**
84 **affiliations.**

85 [A.](#) Notwithstanding any provision of law to the contrary, any state facility may collect and
86 disseminate information concerning the religious preferences and affiliations of individuals receiving
87 services, provided that no individual may be required to indicate his religious preference or affiliation and
88 that no dissemination of the information shall be made except to categories of persons as to whom the
89 individual or his guardian or other legally authorized representative or other fiduciary has given his
90 authorization that dissemination may be made.

91 [B. No consent given pursuant to this section shall be construed to allow any state facility to collect](#)
92 [or disseminate to federal government authorities information concerning the religious preferences and](#)
93 [affiliations of individuals receiving services for the purpose of compiling a list, registry, or database of](#)
94 [individuals based on religious affiliation, national origin, or ethnicity, unless such collection or](#)
95 [dissemination is specifically required by state or federal law.](#)

96 **§ 66-25. Collection of information concerning religious preferences by correctional facilities.**

97 [A.](#) Notwithstanding any provision of law to the contrary, any correctional facility established
98 pursuant to this chapter or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 may collect and disseminate
99 information concerning the religious preferences and affiliations of persons committed to its custody. No
100 person shall be required to indicate his religious preference or affiliation, and no dissemination of the
101 information shall be made except to categories of persons designated by the person who has given his
102 consent to such dissemination.

103 [B. No consent given pursuant to this section shall be construed to allow any correctional facility](#)
104 [established pursuant to this chapter or Chapter 11 \(§ 16.1-226 et seq.\) of Title 16.1 to collect or disseminate](#)

105 [to federal government authorities information concerning the religious preferences and affiliations of](#)
106 [persons committed to its custody for the purpose of compiling a list, registry, or database of individuals](#)
107 [based on religious affiliation, national origin, or ethnicity, unless such collection or dissemination is](#)
108 [specifically required by state or federal law.](#)

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